

September 25, 2013
FOR IMMEDIATE RELEASE

Summary of August 29-30, 2013, Board Meeting

The following is a summary of August 29-30, 2013, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 133 cases.

New Investigative Cases: The Board reviewed 46 new investigative cases.

Statement of Charges: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board may file a Statement of Charges which contains the allegations of the Board.

The Board approved 2 Statements of Charges.

1. An Iowa-licensed physician who formerly practiced surgery in Harrisburg, Pennsylvania, and currently practices in Shenandoah, Iowa, had formal disciplinary charges filed against him by the Iowa Board on August 30, 2013. The physician has an active Iowa medical license. On November 16 2011, Pennsylvania State Board of Medicine (Pennsylvania Board) disciplined the physician. The Pennsylvania Board concluded that the physician practiced medicine while his ability to practice was impaired by mental disability and that he engaged in unprofessional conduct when he departed from, or failed to conform to, a quality standard of the profession. The Pennsylvania Board placed the physician on indefinite probation subject to Board monitoring, counseling, and the supervision of a practice monitor. The Iowa Board charged the physician with being disciplined by the Pennsylvania Board in violation of the laws and rules governing the practice of medicine in Iowa. A hearing is scheduled on November 7, 2013.
2. An Iowa-licensed physician who formerly practiced medicine in Irvine, California, had formal disciplinary charges filed against him by the Iowa Board on August 30, 2013. The physician's Iowa medical license went inactive due to nonrenewal on November 1, 2011. On July 6, 2011, the physician was disciplined by the Medical Board of California for failing to provide appropriate care and treatment and failing to maintain appropriate medical records for six patients he treated between 2003 and 2008 in Irvine, California. The physician surrendered his California medical license effective July 26, 2011, to

resolve the disciplinary action. The Iowa Board charged the physician with being disciplined by the Medical Board of California in violation of the laws and rules governing the practice of medicine in Iowa. A hearing is scheduled on November 7, 2013.

Combined Statement of Charges and Settlement Agreements: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. A combined Statement of Charges and Settlement Agreement contain the allegations of the Board and the sanctions.

The Board approved 8 Combined Statement of Charges and Settlement Agreements.

1. An Iowa-licensed physician who practices family medicine in Webster City, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on August 30, 2013. The physician has an active Iowa medical license. The Board alleged that the physician prescribed controlled substances to a member of her immediate family on multiple occasions between January 2009 and October 2011. The Board also alleged that the physician failed to appropriately respond to the emergency department on multiple occasions when she was designated as an on-call physician, between October 2008 and July 2012. The physician received multiple warnings and was ultimately suspended by the hospital. Under the terms of the August 30, 2013, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered her to pay a \$2,500 civil penalty. The Board also ordered the physician to complete a Board-approved prescribing course and professional ethics program and submit a written corrective action plan which describes the steps the physician has taken to ensure that she appropriately responds to the emergency department when she is on-call in the future.
2. An Iowa-licensed physician who currently practices family medicine in Ogden, Utah, entered into a combined Statement of Charges and Settlement Agreement with the Board on August 30, 2013. The physician's Iowa medical license went inactive due to nonrenewal on September 1, 1984. The physician was disciplined by the Utah Division of Occupational and Professional Licensing (Utah Board) on April 17, 2012. The Utah Board alleged that the physician inappropriately obtained a Schedule III controlled substance prescription from a physician assistant who was subject to the physician's supervision. The Utah Board issued the physician a Citation and ordered him to pay a 1,000 fine. Under the terms of the August 30, 2013, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning for being disciplined by the Utah Board.
3. An Iowa-licensed physician who formerly provided medical and mental health services to inmates located in multiple locations including Mt. Pleasant, Michigan, Carlinville, Illinois, and Springfield, Illinois, entered into a combined Statement of Charges and Settlement Agreement with the Board on August 30, 2013. The physician has an active Iowa medical license. On March 18, 2009, the physician was disciplined by the Michigan Board of Medicine for inappropriately changing the psychiatric medications of two inmates in Mt. Pleasant, Michigan, without conferring with the prescribing physician and without examining the inmates. The Michigan Board ordered the physician to pay a \$10,000 fine. On June 19, 2012, the Illinois Division of Professional Regulation (Illinois Board) issued the physician a reprimand for being disciplined by the Michigan Board.

On August 14, 2012, the Illinois Board disciplined the physician for failing to provide appropriate treatment of a fractured foot resulting in amputation of an inmate at the Macoupin County Jail in Carlinville, Illinois. The Illinois Board issued the physician a reprimand and ordered him to pay a \$10,000 fine. On March 27, 2013, the physician was disciplined by the Illinois Board for failing to appropriately diagnose and treat a perforated ulcer resulting in the death of an inmate at the Sangamon County Jail in Springfield, Illinois. The Illinois Board suspended the physician's Illinois medical license for sixty (60) days and the physician agreed to have his license placed on permanent inactive status. The physician was also ordered to pay a \$30,000 fine. Under the terms of the August 30, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.

4. An Iowa-licensed physician who currently practices family medicine internal medicine in Roseville, Michigan, entered into a combined Statement of Charges and Settlement Agreement with the Board on August 30, 2013. The physician's Iowa medical license went inactive due to nonrenewal on November 1, 2004. The physician was disciplined by the Michigan Board of Medicine on October 15, 2010, for prescribing controlled substances to multiple patients between January 2003 and February 2009 without reviewing previous medical records, without performing and/or documenting adequate evaluation and medical rationale to support the long-term prescription of controlled substances and without making appropriate referrals. The Michigan Board ordered the physician to pay a \$5,000 fine and complete Board-approved continuing medical education for the appropriate treatment of chronic pain. The physician has taken additional steps to address the Michigan Board's concerns. Under the terms of the August 30, 2013, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning for being disciplined by the Michigan Board.
5. An Iowa-licensed physician who formerly practiced orthopedic surgery in Fort Bragg, California, entered into a combined Statement of Charges and Settlement Agreement with the Board on August 30, 2013. The physician's Iowa medical license went inactive due to nonrenewal on October 1, 1992. On February 17, 2012, the Medical Board of California disciplined the physician for failing to provide appropriate surgical care and failing to maintain appropriate medical records for multiple patients in 2009 in Fort Bragg, California. The physician voluntarily surrendered his California medical license to resolve the disciplinary action. The physician retired from the practice of medicine in August 2009. Under the terms of the August 30, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.
6. An Iowa-licensed physician who formerly practiced anatomic and clinical pathology in La Crosse, Wisconsin, entered into a combined Statement of Charges and Settlement Agreement with the Board on August 30, 2013. The physician's Iowa medical license went inactive due to nonrenewal on March 1, 2007. The physician retired from the practice of medicine in 2007 due to health problems. On July 20, 2011, the physician agreed not to reapply for registration of his Wisconsin medical license to resolve a pending investigation of allegations that he failed to timely diagnose a patient's malignant melanoma in 2003. Under the terms of the August 30, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.

7. An Iowa-licensed physician who formerly practiced obstetrics and gynecology in Monroe, Wisconsin, and currently practices in Fort Dodge, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on September 30, 2013. The physician has an active Iowa medical license. The physician was disciplined by the Wisconsin Medical Examining Board (Wisconsin Board) on March 20, 2013, for failing to provide appropriate treatment to a patient while performing a total abdominal hysterectomy on February 6, 2008, in Monroe, Wisconsin. The Wisconsin Board issued the physician a reprimand and ordered him to complete a Board-approved urogynecologic review course and pay \$1,327 in costs. The physician successfully completed the terms established by the Wisconsin Board. Under the terms of the August 30, 2013, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning for being disciplined by the Wisconsin Board.
8. An Iowa-licensed physician who currently practices ophthalmology in Houston, Texas, entered into a combined Statement of Charges and Settlement Agreement with the Board on August 30, 2013. The physician's Iowa medical license went inactive due to nonrenewal on March 1, 1987. On June 8, 2012, the physician was disciplined by the Texas Medical Board for failing to adequately document physical examinations; poorly documenting dosages and medicines prescribed; failing to accurately document the diagnosis and rationale supporting the prescription of pain medication; failing to maintain legible medical records; failing to support his rationale for increased dosages and failing to maintain pain management treatment plans for patients. The physician agreed not to register or otherwise obtain DEA or DPS Controlled Substances Registration until he has receives written authorization from the Texas Board. The Texas Board also ordered the physician to practice under the supervision of a Board-approved physician monitor; successfully complete a Board-approved medical record keeping course; successfully complete at least 8 hours of continuing medical education in the topic of risk management and 4 hours in the topic of identifying drug seeking behavior; and pay a \$2,000 administrative penalty. Under the terms of the August 30, 2013, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to fully comply with the terms established by the Texas Board. The Board also prohibited the physician from prescribing, administering or dispensing controlled substances for the treatment of chronic pain under his Iowa medical license until and unless he receives prior written approval from the Board.

Confidential Letters of Warning or Education: When the Board determines that probable cause does not exist to take formal disciplinary action the Board may send a confidential, non-disciplinary letter to a licensee expressing concerns and requesting that a licensee take corrective action, including further medical education.

The Board voted to issue 6 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns that a physician misstated the conditions listed on a surgical consent form.
2. Concerns that a physician failed to respond to the Board's investigation in a timely manner.
3. Concerns about a physician's treatment of a patient with Lupus.
4. Concerns about a physician's supervision of staff at a medical spa.
5. Concerns about a physician's neuropsychological examination of a patient.
6. Concerns that a physician practiced medicine after allowing his/her Iowa medical license to go inactive.

Monitoring Committee: The Monitoring Committee monitors licensees who have been disciplined by the Board and require monitoring.

The Monitoring Committee reviewed 11 cases involving physicians who are being monitored by the Board.

Screening Committee: The Screening Committee reviews cases that are lower priority and have not been investigated by the Board to determine whether investigation is warranted.

The Screening Committee reviewed 45 cases.

Licensure Committee: The Licensure Committee reviews initial license applications, renewals and reinstatements, and other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Licensure Committee reviewed 10 licensure applications. Six permanent licenses were granted, one application was left open to draft a consent agreement, one consent agreement was approved, one temporary license was granted, and one permanent license was reinstated.

The Licensure Committee approved nine Letters of Warning. Seven of those letters were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the license application and two letters were approved for unprofessional conduct.

The Licensure Committee reviewed information shared by Dr. Amos regarding his concerns with maintenance of licensure.

In other action the Board:

- Voted to adopt ARC 0890C, an amendment to Iowa Administrative Code 653-Chapter 13 to rescind an outdated rule on physician supervision of pharmacists who administer adult immunizations. The adopted rule will be published on October 2 in the Iowa Administrative Bulletin and is scheduled to become effective November 6.
- Voted to adopt and file ARC 0891C, an amendment to Iowa Administrative Code 653-Chapter 13 to establish standards of practice for physicians who prescribe or administer abortion inducing drugs. The adopted rule will be published on October 2 in the Iowa Administrative Bulletin and is scheduled to become effective November 6.
- Approved new guidelines for responding to out-of-state disciplinary actions against physicians who have inactive Iowa medical licenses. The guidelines are posted on the Board's website, <http://www.medicalboard.iowa.gov/images/pdf/Out-of-state%20discipline%20memorandum%20-%20August%202013.pdf>
- Received a statistical report on the Iowa Physician Health Program. On August 1, 2013, there were 79 participants in the program. There were 29 new participants in the program since January 1, 2013, and 31 discharges during the same period.
- Received reports from the Iowa Attorney General's Office on seven Board cases under judicial review in state courts.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on September 5, 2013. If you have questions about this summary or Board's disciplinary action press release, please contact Kent Nebel, Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.